

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-2541

PETITION OF THOMAS V. AND RUAN D. ROBERTSON

OPINION OF THE BOARD

(Public Hearing Date: November 18, 2002)
(Effective Date of Opinion: February 20, 2003)

Case No. S-2541 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an accessory apartment.

Pursuant to the authority in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing on the application. The Hearing Examiner convened a public hearing on November 18, 2002, and on January 6, 2003, issued a written Report and Recommendation for approval of the special exception.

The subject property is Lot 16, Block F, Parkwood Subdivision, located at 4523 Amherst Lane, Bethesda, Maryland, in the R-60 Zone

Decision of the Board:	Special Exception granted subject to conditions enumerated below.
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At its Worksession on January 22, 2003, the Board of Appeals voted to adopt the Hearing Examiner's Report and Recommendation and grant the special exception, subject to the following conditions:

1. Petitioners shall be bound by their testimony and exhibits of record, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. Prior to issuance of an occupancy permit, Petitioners shall comply with the Code requirements for accessory apartments, and shall perform all necessary corrections noted in Exhibit No. 10.
3. Petitioners shall reside in one of the dwelling units at the subject property.

4. Based upon the approximately 600-square-foot habitable area of the accessory apartment, the unit can be rented by no more than two unrelated persons or a family of not more than five persons.

6. The Petitioners shall receive compensation for only one dwelling unit.

On a motion by Louise L. Mayer, seconded by Donna L. Barron, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of February, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.